
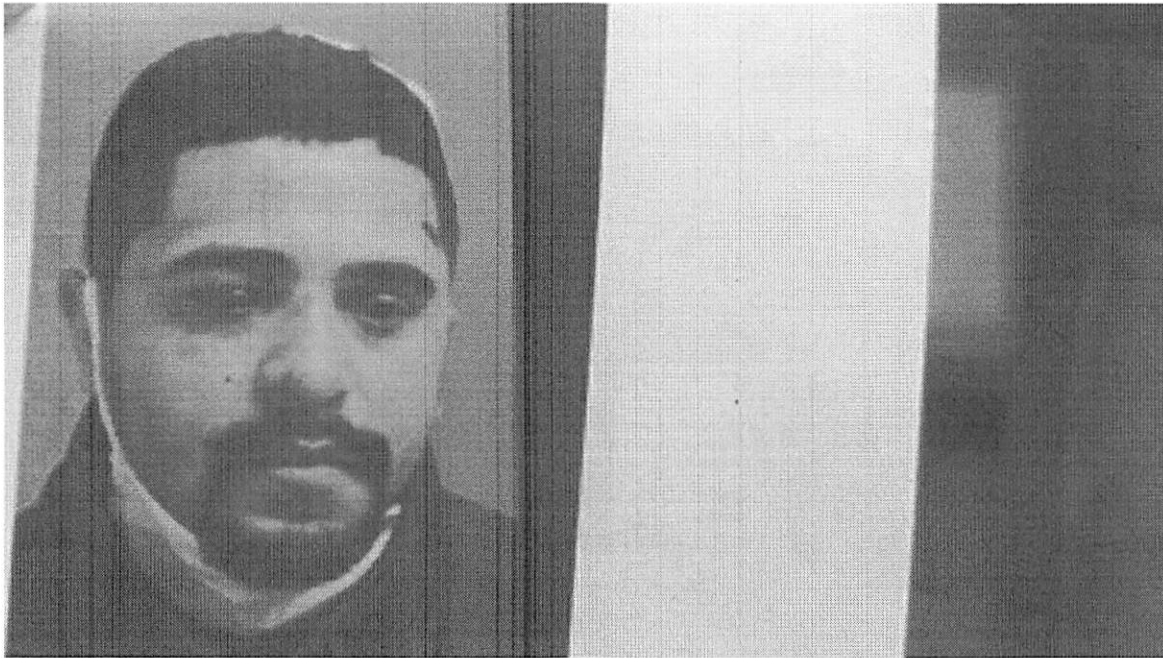


Suffolk withheld internal affairs report on 2021 police beating, court document shows

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Michael O'Keeffe



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'We were entitled to have that documentation'

Attorney claims Suffolk County withheld an Internal Affairs report in an alleged police abuse case. NewsdayTV's Ken Buffa reports. Credit: Newsday/John Paraskevas; James Staubitser; Ed Quinn; Photo Credit: Reece T. Williams

By Michael O'Keeffemichael.okeeffe@newsday.com@MOKNYC Updated July 26, 2024 6:01 am

A lawyer for a Long Beach man allegedly beaten while handcuffed by Suffolk police in 2021 said an Internal Affairs report the county withheld during the discovery phase of a federal lawsuit found 19 instances of substantiated violations against the officers who took part in the encounter.

In a letter to U.S. Magistrate Judge Arlene Lindsay filed earlier this week, Hempstead civil rights attorney Frederick K. Brewington said lawyers for alleged police beating victim Christopher Cruz learned about the 50-page Internal Affairs report only because an anonymous tipster sent it to his office in March.

Police stopped Cruz in Coram in February 2021 for allegedly driving a stolen Jeep Grand Cherokee. He faced five criminal charges, but prosecutors later dropped some of the charges and he pleaded guilty to petit larceny in September 2022 and was sentenced to time served.

The letter asked Lindsay to hold a conference to discuss alleged violations of federal court rules and potential sanctions against the county. The letter also requested an extension of the discovery deadline and asked the judge to make the document public.

WHAT TO KNOW

- **A lawyer for a Long Beach** man allegedly beaten while handcuffed by Suffolk police in 2021 said an Internal Affairs report the county withheld during the discovery phase of a federal lawsuit found 19 instances of substantiated violations against the officers who took part in the encounter.
- **Attorney Frederick K. Brewington** said lawyers for alleged police beating victim Christopher Cruz learned about the 50-page Internal Affairs report only because an anonymous tipster sent it to his office in March.
- **A federal lawsuit filed in February 2022 alleges Cruz was punched and kicked while handcuffed on Feb. 24, 2021, and subjected to hate-filled taunts by Suffolk police officers.**

In May, Newsday filed a Freedom of Information Law request with Suffolk police for the documents related to the Cruz investigation. The department said in a letter that there was a "significant backlog" of requests and there may be a delay of 90 to 120 days. Newsday also requested documents from Cruz's attorneys, but Brewington said he was barred from sharing them due to a confidentiality agreement with defense attorneys.

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"It is clear they were aware of this Internal Affairs report and all of its findings, which are just outrageous, (and) were known to them during the entire process of a two-year period and they never told us," Brewington said. "They never disclosed. They never gave us a stitch of paper. But for this anonymous envelope that came to us, self-addressed, addressed to us, with our return address from an anonymous person, we would have never known that it even existed."

Brewington's letter also said an attorney for Officer Matthew Cameron, one of the officers named as a defendant in the lawsuit, gave Cruz's legal team 1,224 pages of documents related to the Internal Affairs investigation that had not been previously produced

through the discovery process as a federal lawsuit against the county makes its way to trial.

"The strong light of disclosure has to be shown on what is going on, because we know that sunlight serves as a great antiseptic," Brewington said. "We want to try to make sure that police officers, good police officers, are not pulled down the drain by those who are going to abuse individuals."

Brewington said he cannot release the documents or discuss their conclusions without approval from the court. An agreement signed by the parties in January bars the release of Internal Affairs reports, personnel records and other documents unless the court determined they should not be confidential.

Brewington said he hopes Lindsay will agree to make the document public following his requested conference.

"It is mind-blowing," Brewington said of the documents' conclusions. "And I will tell you that there are more findings against officers in those documents than I have ever seen in a single year by the entire Internal Affairs of Suffolk County."

Representatives of the county and Suffolk police declined to comment on the latest filing.

In an email attached to Brewington's letter as an exhibit, Assistant Suffolk County Attorney Arlene Zwilling said she could not produce the Internal Affairs report until the confidentiality agreement was signed on Jan. 24.

Brewington responded with an email, also attached as an exhibit, that said Zwilling told Cruz's lawyers that they would produce all relevant documents after the confidentiality agreement was signed — but failed to mention the Internal Affairs report before or after that.

"Much of what you suggest leaves us concerned that what you are saying is not trustworthy," Brewington wrote.

Brewington said he still does not know who sent the Internal Affairs report to his office in March.

"It's important for us as citizens — if you see something and know something, say something, because the blue wall of silence in Suffolk County and Nassau County does exist," Brewington said. "How do we know? Because it is being upheld by the county attorney's office when they didn't disclose this."

Brewington and other attorneys representing Cruz filed a federal lawsuit in the Eastern District of New York in February 2022 that alleges Cruz was punched and kicked while handcuffed on Feb. 24, 2021, and subjected to hate-filled taunts by Suffolk police officers.

The complaint said police violated Cruz's civil rights. It also said Cruz was targeted by police because he is Hispanic and the assault was part of a long-standing pattern of discrimination against Latino communities by Suffolk officers. It names the county, its police department, then-Police Commissioner Geraldine Hart and several officers as defendants.



A frame from body camera footage shows Christopher Cruz handcuffed on the ground as he was being arrested by Suffolk police in 2021. Credit: Law Office of Fred Brewington

Police said in February 2021 that Cruz had stolen a Jeep Grand Cherokee after participating in a treatment program at St. Charles Hospital in Port Jefferson. They said he used the Jeep to ram a police car at a Coram gas station and then fled before crashing into a snowbank in Mount Sinai and ramming another police vehicle. Two officers were injured during the incident, police said.

The lawsuit alleges Cruz was attempting to leave the gas station when his vehicle was struck by a police car.

Cruz fled the scene but later surrendered and was pulled from his vehicle and handcuffed. He was then kicked, punched and pushed to the ground, according to the lawsuit. At least 15 officers, the lawsuit added, participated in the attack and failed to intervene. Many of the facts alleged in the lawsuit were captured on body camera video.

A 2021 Newsday investigation cast doubts on the official police account of the incident. Criminal justice experts who reviewed surveillance video said it contradicted an officer's sworn accusation that Cruz intentionally rammed his police car while trying to flee from a Coram gas station. The experts said the officer, Frank Filberto, may have filed a false report.

Suffolk prosecutors in June 2021 dropped three of five charges filed against Cruz, telling a judge they could not prove Cruz was guilty of **second-degree assault, third-degree criminal mischief and resisting arrest**. Cruz pleaded guilty to petit larceny in September 2022 and was sentenced to time served.

Two officers were suspended and four others were placed on modified duty after former Suffolk County Executive Steve Bellone and Hart released body camera footage of the incident, county and police officials said at the time.

A special grand jury investigated for nine months and Cameron was the only officer charged, for allegedly filing a false police report that said Cruz had resisted arrest. Suffolk County Judge Timothy P. Mazzei dismissed the charges against Cameron in March 2022, saying the evidence submitted to the grand jury was "not legally sufficient."

That, Brewington said, suggests that officials conducted a sham investigation to shield police from **accountability**. Making the Internal Affairs documents public, he said, will bring **transparency — and justice**.

Michael O'Keeffe covers Suffolk County police and other Long Island law enforcement agencies. He is an award-winning journalist and the co-author of two books, "The Card" and "American Icon."

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